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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,656	11/03/2000	Mark John McGrath	450110-02870	7570
20999	7590	01/13/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER

2616

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,656

Applicant(s)

MCGRATH ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/18/01 & 11/3/00.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20, 21 and 23 are rejected under 35 U.S.C. 101 because the claims are directly to non-statutory subject matter.

Claims 20, 21 and 23 violate the 101 and are considered based on present policy and understanding and are not considered to be statutory, in view of:

- not reciting in the claims, that the computer program by is on a medium.

Wherein as an example computer program claims 22 & 24, do recite "a computer readable medium having ... computer program", and are considered to be statutory.

Therefore, claims 20, 21 and 23, require an amendment to recite that the computer program is on a medium.

Appropriate Correction Is Required

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claims 1-2, 4-6, 8-10, 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sezan et al. (US 5,956,458).

Regarding claim 1, Sezan discloses and meets the recited limitations associated with an audio or video generation apparatus which is arranged in operation to generate audio and/or video signals representative of an audio and/or visual source (Fig. 1, "camcorder 12"), the apparatus comprising:

- a recording means ... to record the audio and/or video (col. 2, audio and video data) on a record medium (cassette 16); wherein
- the audio or video generation apparatus ... arranged to receive (camcorder recording system 13 & 16), META DATA (data about the data), which is associated with the audio or video, generated by a processor (14),
- wherein the generates "Data about the Data" or META data on the recording medium (col. 3, lines 14-, "sub code sector" or AAUX or VAUX or MIC).

Regarding claim 2, Sezan provides for an interface (met by the interface between the marking module and camcorder or reorder), therefore, the interface between 14 and the camcorder {13 & 16}, for connecting and is at least connected at the factory for connecting between, with respect to the camcorder the interface and the marking module of the camcorder.

Regarding claims 4-5, 8-9 and 12-13, Sezan further meets the limitation of wherein the meta data is a unique ID code (col. 6, lines 42- "location data includes a time code and reference mark", wherein the time code is deemed unique to the recording);

- wherein the unique code is a UMID (Unique Material identifier) or the like met by the time code ID.

Claims 6, 10 and 16-17 are analyzed and discussed with respect to the claims above, wherein a data processor met by the marking module detects time codes corresponding to marked points, recorded back to the tape media, which marks can be

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represented by time code (claims 4-5), correspond to position or part of the A/V signals in the data store.

Regarding claims 14-15, Sezan further meets the limitations of wherein the data processor or marking module, generates a log, which is time codes (type meta data), and records the log either to one of three places on the tape or the MIC on the tape (see claims above).

Regarding claim 18, Sezan further in view of recording to the MIC on the outside of the tape, meets the limitation of storing META data generated in a data store separate to the audio and video signals, met by not being on the tape itself but separately recorded on the MIC on the outside of the tape (see col. 1, "Flash memory Device", can be used, Fig. 1, "MIC 18").

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 3, 7, 11 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US 5,956,458) in view of Jain et al. (US 6,360,234).

Regarding claims 3, 7, 11 and 19, Sezan discloses marking frames and providing the time codes to one of many places either on the tape with the video and audio or the MIC of the outside of the tape, further in accord to col. 3, lines 13-40, creating meta data with respect to predetermined events, which include start of recording, the release of the pause, but, as interpreted creates meta data in the form of time codes at these predetermined events, but, seems to be limited to frame to ID with time code meta data,

therefore, but, fails to particularly disclose detecting time codes (2) representative of in and out points, in other words meta data identifying CLIPS of video having beginning and ending time code meta data for each or a take, generated by the processor.

Jain teaches creating meta data for video cataloging by allowing a marking module to mark clips and generate the meta data corresponding to clips (col. 8, lines "During metadata capture, the user may mark clips and annotate them"), as taught by Jain.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Sezan by incorporating a means to generate meta data for clips of video being a sequence of frames, thereby identifying clips which is at least two frames, which reads on either two successive or one frame point associated with another later frame point or to ID clips in addition to single frame identification, which provides a higher level of META data generation techniques to the user, as is obvious to those skilled in the art with respect to Sezan and Jain, as prior art.

Regarding claims 20-24, Sezan fails to particularly disclose a computer program with instructions when loaded to a data processor (some for of a CPU), which operates to generate the meta data, in accord to their related apparatus and method claims.

Jain further teaches, in accord to col.7, lines 20-30, wherein in an object oriented programming implementation, can perform basic functions for insertion, deletion, read-out, etc., and defines storage **for the in time and out time of each META data element such an implementation may be coded in the C++ programming language**, as taught by Jain.

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Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify Sezan by utilizing a computer program such as C++, to load a processor in order to facilitate the method and/or method on the apparatus in the process of generating META data for frames or clips, used as a tool, for the corresponding material such as, video and/or audio, as taught by Jain.

Contact Fax Information

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication
intended for entry)

or:

(703) 308-5359, (for informal or draft communications,
please label "PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington, VA., Sixth
Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier
communications should be directed to the examiner of
record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F.
Boccio (703) 306-3022.

Any inquiry of a general nature or relating to the status
of this application should be directed to Customer Service
(703) 306-0377.

Primary Examiner, Boccio, Vincent
1/10/05


VINCENT BOCCIO
PRIMARY EXAMINER